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# United States Department of Agriculture,

## BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

### SERVICE AND REGULATORY ANNOUNCEMENTS.

#### MIGRATORY BIRD TREATY, ACT, AND REGULATIONS.<sup>1</sup>

#### CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED STATES AND CANADA.<sup>2</sup>

[39 Stat., 1702.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington, on the sixteenth day of August, one thousand nine hundred and sixteen, the original of which convention is word for word as follows:

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British

<sup>1</sup> Including amendments of the regulations approved Oct. 25, 1918; July 28, 1919; and July 9, 1920.

<sup>2</sup> This treaty was signed on Aug. 16, ratified by the Senate Aug. 29, by the President Sept. 1, and by Great Britain Oct. 20; ratifications thereof were exchanged Dec. 7, and it was proclaimed by the President Dec. 8, 1916. Constitutionality of the treaty and act sustained by Supreme Court in decision of Apr. 19, 1920, in case of State of Missouri v. Ray P. Holland.

Canada, by an act of Parliament approved Aug. 25, 1918, gave full effect to this convention, and promulgated regulations thereunder.

Dominions beyond the Seas. Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington:

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

#### ARTICLE I.

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.
- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

#### ARTICLE II.

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities:

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half

months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

#### ARTICLE III.

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:—

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons on cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

#### ARTICLE IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

#### ARTICLE V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes, under such laws or regulations as the High Contracting Powers may severally deem appropriate.

#### ARTICLE VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

#### ARTICLE VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the

High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

#### ARTICLE VIII.

The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

#### ARTICLE IX.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years, and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.]

ROBERT LANSING.

[SEAL.]

CECIL SPRING RICE.

And whereas the said Convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the City of Washington, on the seventh day of December, one thousand nine hundred and sixteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighth day of December in the year of our Lord one thousand nine hundred and sixteen, and of the Independence of the United States of America the one hundred and forty-first.

By the President:

ROBERT LANSING,

*Secretary of State.*

WOODROW WILSON.



MIGRATORY BIRD TREATY ACT.<sup>3</sup>

[Approved July 3, 1918. 40 Stat., 755.]

**AN ACT** To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this act shall be known by the short title of the "Migratory Bird Treaty Act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such bird.

SEC. 3. That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and

<sup>3</sup> Constitutionality of act sustained by Supreme Court in decision of Apr. 19, 1920, in case of State of Missouri v. Ray P. Holland.

United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this act.

SEC. 8. That until the adoption and approval, pursuant to section three of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, for enforcing the provisions of the act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this act.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply.

SEC. 13. That this act shall become effective immediately upon its passage and approval.

### MIGRATORY-BIRD TREATY ACT REGULATIONS.

[As approved and promulgated by the President, July 31, 1918, and amended October 25, 1918, July 28, 1919, and July 9, 1920.]

#### REGULATION 1.—DEFINITIONS OF MIGRATORY BIRDS.

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. *Migratory game birds:*

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coot, gallinules, and sora and other rails.
- (d) Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds:* Cuckoos; flickers and other woodpeckers; nighthawks or bull-bats and whip-poor-wills; swifts; hummingbirds; flycatchers; bobolinks, meadowlarks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds:* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

[As amended July 9, 1920.]

#### REGULATION 2.—DEFINITIONS OF TERMS.

For the purposes of these regulations the following terms shall be construed, respectively, to mean—

*Secretary.*—The Secretary of Agriculture of the United States.

*Person.*—The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

*Take.*—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

*Open season.*—The time during which migratory birds may be taken.

*Transport.*—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

#### REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN.

The migratory game birds specified in Regulation 4 hereof may be taken during the open season with a gun only, not larger than No. 10 gauge, fired from the shoulder, except as specifically permitted by Regulations 7, 8, 9, and 10



hereof; they may be taken during the open season from the land and water, from a blind or floating device (other than an airplane, powerboat, sailboat, any boat under sail, or any floating device towed by powerboat or sailboat), with the aid of a dog, and the use of decoys.

[As amended July 28, 1919.]

**REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.**

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, by the means and in the numbers permitted by Regulations 3 and 5 hereof, respectively, and when so taken, may be possessed any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such birds shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof.

*Waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe.*—The open seasons for waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, New York (except Long Island), Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that portion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16 to December 31;

In Rhode Island, Connecticut, Utah, and that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15;

In that portion of New York known as Long Island, and in New Jersey, Delaware, Oklahoma, Texas, New Mexico, Arizona, and California the open season shall be from October 16 to January 31;

In Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, and Louisiana the open season shall be from November 1 to January 31; and

In Alaska the open season shall be from September 1 to December 15.

*Rails (except coot and gallinules).*—The open season for sora and other rails (except coot and gallinules) shall be from September 1 to November 30, except as follows:

In Louisiana the open season shall be from November 1 to January 31.

*Black-bellied and golden plovers and greater and lesser yellowlegs.*—The open seasons for black-bellied and golden plovers and greater and lesser yellowlegs shall be as follows:

In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the open season shall be from August 16 to November 30;

In the District of Columbia, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, and Alaska the open season shall be from September 1 to December 15;



In Vermont, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that portion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16 to December 31;

In Utah and in that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15; and

In Georgia, Florida, Alabama, Mississippi, and Louisiana the open season shall be from November 1 to January 31.

*Woodcock*.—The open seasons for woodcock shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas the open season shall be from October 1 to November 30; and

In Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, and Oklahoma the open season shall be from November 1 to December 31.

*Doves*.—The open seasons for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, Texas, New Mexico, Colorado, Utah, Arizona, California, Nevada, Idaho, and Oregon the open season shall be from September 1 to December 15; and

In North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi the open season shall be from October 16 to January 31.

[As amended October 25, 1918, July 28, 1919, and July 9, 1920.]

#### REGULATION 5.—BAG LIMITS ON CERTAIN MIGRATORY GAME BIRDS.

A person may take in any one day during the open seasons prescribed therefor in Regulation 4 not to exceed the following numbers of migratory game birds:

*Ducks (except wood duck and eider ducks)*.—Twenty-five in the aggregate of all kinds.

*Geese*.—Eight in the aggregate of all kinds.

*Brant*.—Eight.

*Rails, coot, and gallinules (except sora)*.—Twenty-five in the aggregate of all kinds.

*Sora*.—Fifty.

*Black-bellied and golden plovers and greater and lesser yellowlegs*.—Fifteen in the aggregate of all kinds.

*Wilson snipe, or jacksnipe*.—Twenty-five.

*Woodcock*.—Six.

*Doves (mourning)*.—Twenty-five.

[As amended October 25, 1918, and July 28, 1919.]

#### REGULATION 6.—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning doves and parts thereof legally taken may be transported in or out of the State where taken during the respec-

tive open seasons in that State, and may be imported from Canada during the open season in the Province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regulations shall be transported by one person in one calendar week out of the State where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of ten days next succeeding said open season; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any State, Territory, or District to or through another State, Territory, or District, or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District, or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transportation thereof.

[As amended October 25, 1918, and July 9, 1920.]

**REGULATION 7.—TAKING OF CERTAIN MIGRATORY NONGAME BIRDS BY ESKIMOS AND INDIANS IN ALASKA.**

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murre, and puffins and their eggs for food, and their skins for clothing.

**REGULATION 8.—PERMITS TO PROPAGATE AND SELL MIGRATORY WATERFOWL.**

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of four weeks shall have had removed

from the web of one foot a portion thereof in the form of a "V" large enough to make a permanent well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the first day of January next following; also for the calendar year for which permit was issued the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with number and species and whether sold alive or dead; and the date of each transaction. A written report correctly setting forth this information shall be furnished the Secretary during the month of January next following the issuance of the permit.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. Permits issued under this regulation shall be valid only during the calendar year of issue, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder.

8. A person engaged in the propagation of migratory waterfowl on the date on which these regulations become effective will be allowed until September 30, 1918, to apply for the permit required by this regulation, but he shall not take any migratory waterfowl without a permit.

[As amended October 25, 1918, and July 9, 1920.]

#### REGULATION 9.—PERMITS TO COLLECT MIGRATORY BIRDS FOR SCIENTIFIC PURPOSES.

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant and name of State, Territory, or District in which specimens

are proposed to be taken and the purpose for which they are intended. Each application shall be accompanied by certificates from two well-known ornithologists that the applicant is a fit person to be intrusted with a permit.

The permit will authorize the holder thereof to possess, buy, sell, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, buy, sell, and transport in any manner and at any time migratory birds and parts thereof, and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist when authorized by a permit issued by the Secretary may possess, buy, sell, and transport in any manner and at any time migratory birds and parts thereof legally taken.

Permits shall be valid only during the calendar year of issue, shall not be transferable, and shall be revocable in the discretion of the Secretary. A person holding a permit shall report to the Secretary on or before January 10 following its expiration the number of skins, nests, or eggs of each species collected, bought, sold, or transported.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

[As amended October 25, 1918.]

#### **REGULATION 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY.**

When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

#### **REGULATION 11.—STATE LAWS FOR THE PROTECTION OF MIGRATORY BIRDS.**

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, Territory, or District made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the migratory bird treaty act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

[Added by proclamation of October 25, 1918, as amended July 9, 1920.]

